



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

SEP 03 2015

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Kahn
Panther Development Investments, LLC
6401 Congress Avenue, Suite 250
Boca Raton, Florida 33487

Re: NPDES Inspections, NPDES Permit Numbers – NDR12A95I, NDR12A98I and NDR12A96I

Dear Mr. Kahn

On July 22, 2015, the Environmental Protection Agency (EPA) conducted site inspections at the Black Eagle Estates (NDR12A95I), the Mandaree Pow Wow Grounds (NDR12A98I) and the White Oak Park (NDR12A96I), located in Mandaree, North Dakota. The EPA inspectors Monia Ben-Khaled and Kacy Sable conducted the inspections to determine compliance of construction activities at the three sites with the Federal Stormwater General Permit (Permit) requirements. At the time of the inspection, there were no construction personnel present at the sites. The EPA inspectors walked around the three sites and took photographs of observations at the Black Eagle Estates and the White Oak Park.

The enclosed photographs of observations for both the Black Eagle Estates and the White Oak Park were sent to Mr. Steve Kahn of Panther Development Investments on August 12, 2015. Findings that were noted during the inspections were discussed with Mr. Kahn during a phone conversation on August 17, 2015. Copies of photos illustrating corrective actions were received by the EPA on August 19, 2015.

Please note that you are required to comply with all conditions of the Permit until you submit a Notice of Termination (NOT) certifying that you have met the requirements for terminating coverage as stated in Part 8.2.1 of the Permit. Specifically, Part 8.2.1.1 of the Permit states: ***“For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.2”***. Instructions on how to submit your NOT are provided in Part 8.3 of the Permit.

Within **thirty (30) days** of receipt of this letter, please provide the EPA and the Three Affiliated Tribes Environmental Division with a stabilization plan for the Black Eagle Estates and the White Oak Park including photographs illustrating your stabilization efforts. The stabilization plan and any additional information should be sent to:



Printed on Recycled Paper

Monia Ben-Khaled (8ENF-W-NP)
U.S. EPA Region 8
NPDES Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice
1595 Wyncoop Street
Denver, CO 80202

Edmund Baker
Director, Three Affiliated Tribes Environmental
Division
204 West Main Street
New Town, ND 58763

Please contact me at 303-312-6209 or ben-khaled.monia@epa.gov if you have any questions regarding this letter or the inspections.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Monia Ben-Khaled', with a long horizontal flourish extending to the right.

Monia Ben-Khaled
NPDES Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures (5)

1. Water Compliance Inspection Reports For The Black Eagle Estates, Mandaree Pow Wow Grounds and White Oak Park (3)
2. Inspection Photographs For Black Eagle Estates and the White Oak Park (2)

Cc: Edmund Baker, Director, Three Affiliated Tribes Environmental Division



Water Compliance Inspection Report

Transaction Code		NPDES									yr/mo/day							Inspection Type		Inspector	Fac Type							
1	N	2	5	3	N	D	R	1	2	A	9	8	I	11	12	1	5	0	7	2	2	17	18	}	19	R	20	2
Remarks																												

21 S E E A T T A C H E D R E P O R T 66



Inspection Work Days Facility Self-Monitoring Evaluation Rating BI QA -----Reserved-----

Name and Location of Facility Inspected <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Mandaree Pow Wow Grounds Mandaree, ND 58757	Entry Time/Date 7/22/15 9:05 AM	Permit Effective Date 12/12/2014
	Exit Time/Date 7/22/15 9:15 AM	Permit Expiration Date 2/16/2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers 	Other Facility Data (e.g., SIC, NAICS, and other descriptive information) Latitude: 47.7437° N Longitude: 102.6691° W	
Name, Address of Responsible Official/Title/Phone and Fax Number Steve Kahn / 561-314-1601 Panther Development Investments, LLC 6401 Congress Avenue, Suite 250 Boca Raton, Florida 33487	SIC: 7999 Amusement and Recreation Services General Permit Number: NDR120001 Region 8 Priority: Direct Implementation	
Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

	Permit		Self-Monitoring Program		Pretreatment		MS4
	Records/Reports		Compliance Schedule		Pollution Prevention		
X	Facility Site Review		Laboratory	X	Storm Water		
	Effluent/Receiving Waters		Operations & Maintenance		Combined Sewer Overflow		
	Flow Measurement		Sludge Handling/Disposal		Sanitary Sewer Overflow		

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

[illegible]

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Monia Ben-Khaled 	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6209	9-2-15
Kacy Sable 	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6193	9-2-15

INSTRUCTIONS

Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A Performance Audit	U IU Inspection with Pretreatment Audit	I Pretreatment Compliance (Oversight)
B Compliance Biomonitoring	X Toxics Inspection	@ Follow-up (enforcement)
C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	{ Storm Water-Construction-Sampling
D Diagnostic	# Combined Sewer Overflow-Sampling	} Storm Water-Construction-Non-Sampling
F Pretreatment (Follow-up)	\$ Combined Sewer Overflow-Non-Sampling	: Storm Water-Non-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	~ Storm Water-Non-Construction-Non-Sampling
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	< Storm Water-MS4-Sampling
J Complaints	\ CAFO-Sampling	- Storm Water-MS4-Non-Sampling
M Multimedia	= CAFO-Non-Sampling	> Storm Water-MS4-Audit
N Spill	2 IU Sampling Inspection	
O Compliance Evaluation (Oversight)	3 IU Non-Sampling Inspection	
P Pretreatment Compliance Inspection	4 IU Toxics Inspection	
R Reconnaissance	5 IU Sampling Inspection with Pretreatment	
S Compliance Sampling	6 IU Non-Sampling Inspection with Pretreatment	
	7 IU Toxics with Pretreatment	

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)	O — Other Inspectors, Federal/EPA (Specify in Remarks columns)
B — EPA (Contractor)	P — Other Inspectors, State (Specify in Remarks columns)
E — Corps of Engineers	R — EPA Regional Inspector
J — Joint EPA/State Inspectors—EPA Lead	S — State Inspector
L — Local Health Department (State)	T — Joint State/EPA Inspectors—State lead
N — NEIC Inspectors	

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Water Compliance Inspection Report

Section A: National Data System Coding (i.e. PCS)

Transaction Code		NPDES										yr/mo/day						Inspection Type		Inspector		Fac Type										
1	N	2	5	3	N	D	R	1	2	A	9	5	I	11	12	1	5	0	7	2	2	17	18	}	19	R	20	2				
Remarks																																
21	S	E	E	A	T	T	A	C	H	E	D	R	E	P	O	R	T													66		
Inspection Work Days				Facility Self-Monitoring Evaluation Rating												BI		QA		Reserved												
67				69				70								71		72		73				74				75				80

Section B: Facility Data

Name and Location of Facility Inspected <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Black Eagle Estates Mandaree, ND 58757	Entry Time/Date 7/22/15 9:20 AM	Permit Effective Date 12/12/2014
	Exit Time/Date 7/22/15 10:05 AM	Permit Expiration Date 2/16/2017
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers	Other Facility Data (e.g., SIC, NAICS, and other descriptive information) Latitude: 47.6758° N Longitude: 102.7397° W	
Name, Address of Responsible Official/Title/Phone and Fax Number Steve Kahn / 561-314-1601 Panther Development Investments, LLC 6401 Congress Avenue, Suite 250 Boca Raton, Florida 33487	SIC: 1521 Single Family Houses General Permit Number: NDR12000I Region 8 Priority: Direct Implementation	
Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		



Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

	Permit		Self-Monitoring Program		Pretreatment		MS4
	Records/Reports		Compliance Schedule		Pollution Prevention		
X	Facility Site Review		Laboratory	X	Storm Water		
	Effluent/Receiving Waters		Operations & Maintenance		Combined Sewer Overflow		
	Flow Measurement		Sludge Handling/Disposal		Sanitary Sewer Overflow		

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Monia Ben-Khaled 	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6209	9-2-15
Kacy Sable 	EPA 1595 Wynkoop St Denver, CO 80202 303-312-6193	9-2-15

INSTRUCTIONS

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Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

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C Compliance Evaluation (non-sampling)	Z Sludge - Biosolids	{ Storm Water-Construction-Sampling
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F Pretreatment (Follow-up)	\$ Combined Sewer Overflow-Non-Sampling	: Storm Water-Non-Construction-Sampling
G Pretreatment (Audit)	+ Sanitary Sewer Overflow-Sampling	~ Storm Water-Non-Construction-Non-Sampling
I Industrial User (IU) Inspection	& Sanitary Sewer Overflow-Non-Sampling	< Storm Water-MS4-Sampling
J Complaints	\ CAFO-Sampling	- Storm Water-MS4-Non-Sampling
M Multimedia	= CAFO-Non-Sampling	> Storm Water-MS4-Audit
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Section C: Areas Evaluated During Inspection



Photographs for Black Eagle Estates

Inspection Type: Construction-Stormwater

Photo Number: 428
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is West.

Description:

A drainage swale by the road on the south side of the subdivision. The Mandaree wastewater lagoon is shown on the far back of the photo.



Photo Number: 429
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is North.

Description:

Erosional rills observed while walking down from where photo 428 was taken. Note the lack of stabilization.





Photographs for Black Eagle Estates

Inspection Type: Construction-Stormwater

Photo Number: 431

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is West.

Description:

An overview of the northern side of the subdivision.



Photo Number: 432

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is West.

Description:

More erosional rills on the northern side of the subdivision.





Photographs for Black Eagle Estates

Inspection Type: Construction-Stormwater

Photo Number: 433

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is West.

Description:

A view at the head of the drainage swale.
Note the bent over plants and the sediment.



Photo Number: 434

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is Northeast.

Description:

More erosional rills on the northern side of the subdivision. Note the straw wattles at the banks of the drainage swale. The drainage swale runs parallel to the road on the northern side of the subdivision.





Photographs for Black Eagle Estates

Inspection Type: Construction-Stormwater

Photo Number: 435

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is West.

Description:

Another view of the drainage swale shown
in photo 434.





United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e. PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="D"/> <input type="text" value="R"/> 4 <input type="text" value="1"/> 5 <input type="text" value="2"/> 6 <input type="text" value="A"/> 7 <input type="text" value="9"/> 8 <input type="text" value="6"/> 9 <input type="text" value="I"/> 10 <input type="text" value="1"/> 11 <input type="text" value="1"/> 12 <input type="text" value="1"/> 13 <input type="text" value="5"/> 14 <input type="text" value="0"/> 15 <input type="text" value="7"/> 16 <input type="text" value="2"/> 17 <input type="text" value="2"/> 18 <input type="text" value="1"/> 19 <input type="text" value="R"/> 20 <input type="text" value="2"/>					
Remarks					
21 <input type="text" value="S"/> <input type="text" value="E"/> <input type="text" value="E"/> <input type="text" value="A"/> <input type="text" value="T"/> <input type="text" value="T"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="H"/> <input type="text" value="E"/> <input type="text" value="D"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="P"/> <input type="text" value="O"/> <input type="text" value="R"/> <input type="text" value="T"/> 66					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	
67 <input type="text" value="1"/> <input type="text" value="1"/> 69	70 <input type="text" value="1"/>	71 <input type="text" value="1"/>	72 <input type="text" value="1"/>	73 <input type="text" value="1"/> <input type="text" value="1"/> 74	75 <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="1"/> 80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
White Oak Park Ridge Road Mandaree, ND 58757	7/22/15 10:14 AM	12/14/2014
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Numbers	Exit Time/Date	Permit Expiration Date
No representatives available on-site	7/22/15 10:47 AM	2/16/2017
Name, Address of Responsible Official/Title/Phone and Fax Number	Other Facility Data (e.g., SIC, NAICS, and other descriptive information)	
Steve Kahn / 561-314-1601 Panther Development Investments, LLC 6401 Congress Avenue, Suite 250 Boca Raton, Florida 33487	Latitude: 47.74537° N Longitude: 102.6660° W SIC: 2451 Mobile Homes General Permit Number: NDR12000I Region 8 Priority: Direct Implementation	
Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input type="checkbox"/> Records/Reports	<input checked="" type="checkbox"/> Compliance Schedule	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	
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Section C: Areas Evaluated During Inspection



Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 444
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is West.

Description:

An overview of the southern side of the residential park. Note the erosion next to the storm drain.



Photo Number: 445
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable

Description:

A close-up view of the storm drain shown in photo 444. Note the sediment coming on top of the straw wattle around the storm drain.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 446
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is East.

Description:

A view of an outlet on the west side of the residential park. Note the lack of stabilization on both sides of the outlet.



Photo Number: 447
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is East.

Description:

A view of the discharge path for the outlet shown in photo 446. Note the erosional rills.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 448

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is Southeast.

Description:

The stormwater discharge location east of the residential park.



Photo Number: 449

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is West.

Description:

The outlet flow path. Note the lack of stabilization.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 450
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable

Description:

Another view of the flow path shown in photo 449. Note the stains at the bed of the flow path.



Photo Number: 451
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is East.

Description:

A layer of sediment appears to be moving towards the stream on the east side of the residential park.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 452

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is East.

Description:

Another view of the sediment pile shown in photo 451.



Photo Number: 453

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is South.

Description:

A view of the area next to the road. Note the lack of stabilization.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 454
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable
The direction of the photo is East.

Description:

A close-up view of the area shown in photo 453. Note the erosion leading to the sewer manhole. The sewer manhole was being destabilized as a result of the erosion.



Photo Number: 455
Photo Date/Time: 7/22/2015
Photographer: Kacy Sable

Description:

Another view of the sewer manhole showing the extent of the erosion.





Photographs for White Oak Park

Inspection Type: Construction-Stormwater

Photo Number: 456

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

The direction of the photo is Southeast.

Description:

A view of more erosion leading to the stream east of the residential park.



Photo Number: 457

Photo Date/Time: 7/22/2015

Photographer: Kacy Sable

Description:

The area east of the residential park where two tributaries connect.

